

REMARKS

Claims 1, 4-15 and 17-20 are presently pending in the application. Claims 18 and 19 have been withdrawn. Claims 1, 4-15, 17 and 20 have been rejected. Favorable reconsideration of the application in view of the following remarks is respectfully requested

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the following remarks is respectfully requested.

Claims 1, 4, 69, 11-15, 17 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kitamura et al., for reasons of record. Furthermore, with respect to claim 20, the Examiner states that "Since the IJV absorber of the reference may be inorganic particles that are specifically recited by the instant specification as inorganic particles, such materials may be present consistent with applicants' claims, although the reason for inclusion of the particles differs from the reference and the instant application." Claims 1 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kitamura et al. as applied to claim 1 above, and further in view of Chu et al., for the reasons of record. Claims 1 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kitamura et al. as applied to claim 1 above, and further in view of Becker, also for reasons of record.

The Examiner states that Applicants' arguments filed May 23, 2005 have been fully considered, but they are not persuasive for reasons of record and for reasons set forth in the present Office Action. The Examiner disagrees with Applicants' argument that a layer characterized as a base layer cannot be used as an image receiving layer. The Examiner states that unless a definition is set forth by Applicants' specification, the term (base layer) will be given its usual and broadest meaning in the art. The Examiner has studied the art and believes the term "base layer" to indicate any layer near the support that has other layers over it. The Examiner concludes, therefore, that the claimed base layer reads on an additional ink receiving layer of the primary reference. The Examiner further states that although Applicants argue that a base layer is intended to serve as an additional sump for the ink solvent, the additional ink receptive layer of the reference would serve this function.

In addition, the Examiner states that Applicants argue that the thickness of the base layer would prevent its successful use for imaging with dye, but that the base layer of the reference need not be used for holding the image and may be used as a sump for the solvent. Finally, the Examiner states that if Applicants can demonstrate that the coating weights of the reference will not result in layers within or near to the instantly claimed thickness ranges, this would be considered to teach away from Applicants invention.

The Examiner's analysis is correct up to a point. Kitamura et al. teach two things:

- (1) the presence of stabilizer particles comprising water-insoluble antioxidant in an ink receiving layer comprising inorganic particles; and
- (2) multiple ink receiving layers that can include an image receiving layer and a sump layer.

However, Kitamura et al. do not teach, in the case of two ink-receiving layers, to have stabilizer particles present in both of the layers. Not only does Kitamura et al. not teach this but, in fact, Kitamura et al. teach away from this concept. On page 8, paragraph [0062], Kitamura et al. state "The additional ink receiving layer which may contain no ultraviolet ray absorber is preferably formed in a weight of 1 to 50 g/m<sup>2</sup>...." (The clear implication, of course, is that it contain no antioxidant as well.) In fact, Example II-1 and Example II-2 of Kitamura et al. teach a single ink receiving layer containing UV absorber and antioxidant, but when two ink receiving layers are used, as in Example II-8, the "base layer" having a dry weight of 15 g/m<sup>2</sup>, does not contain UV absorber or antioxidant.

Applicants' interpretation of Kitamura et al. is consistent with the rest of the disclosure of Kitamura et al. In paragraph [0039], for example, Kitamura et al. state: "In a preferred embodiment of the present invention, to further enhance the light resistance, the ink receiving layer further contains an antioxidant." Kitamura et al. never refer to antioxidant being in the ink receiving layers. Nor does Kitamura say that if two ink receiving layers are used, they have the same composition. For example, in paragraph [0052], Kitamura et al. state as follows:

For the purpose of enhancing the ink-fixing property of the ink receiving layer, a cationic compound may be contained in the ink receiving layer. ...Also, when the ink receiving layer has a multiple layered structure, the outermost ink receiving layer on which the ink jet printing is applied preferably contains the cationic compound.

Hence, the Examiner is quite wrong in the conclusion, clearly vitiated by the Examples in Kitamura itself, that because Kitamura et al. teach placing a specific component in a single (outermost) ink receiving layer, they teach, in the case of multiple layers, placing it in a lower, additional layer.

Applicants' interpretation of Kitamura et al. is also supported by the limitations on the amount of the ink receiving layers, whether in microns ( $\mu\text{m}$ ) or in  $\text{g}/\text{m}^2$ . (As a rough rule of thumb, 1  $\mu\text{m}$  may be considered to be about 1  $\text{g}/\text{m}^2$ .) As required by the present invention, the base layer begins and extends significantly below the top surface of the inkjet recording element. The image-receiving layer holds ink near the surface of the image-receiving layer to form the image, away from the base layer. There is only a single image, so it cannot be both in the image-receiving layer and the base layer. Similarly, Kitamura et al. state (in paragraph [0061]) as follows:

When the ink receiving layer consists of a single principal ink receiving layer, usually the ink receiving layer is preferably formed in an amount of 3 to 60  $\text{g}/\text{m}^2$ , more preferably 10 to 50  $\text{g}/\text{m}^2$ . When the ink receiving layer has a multiple layered structure, the principle ink receiving layer containing the ultraviolet ray absorber [and implicitly the optional antioxidant] and preferably arranged to form an outermost layer is preferably formed in an amount of 1 to 30  $\text{g}/\text{m}^2$ ....When the principle ink receiving layer amount is too high, the light resistance effect may be saturated.

In other words, Kitamura et al. state that the concern for light resistance is only relevant to the outermost ink receiving layer and, even then, only to a limited thickness or depth of the outermost layer. In fact, the middle values of the above recited more preferred ranges in Kitamura et al. match Applicants' ranges quite well. Similarly, the thickness of the layers in the Examples of Kitamura et al. fairly well match the thickness of the layers in the present invention, supporting the view that the additional ink receiving layers

in Kitamura would not be an image-receiving layer that would be in need of light resistance according to Kitamura et al. themselves.

In view thereof, it follows that the subject matter of the claims would not have been obvious of Kitamura et al. alone or in view of any of the secondary references at the time the invention was made.

In view of the foregoing remarks and amendment, the claims are believed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



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